

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|   |                    |
|---|--------------------|
| HANNA KLEINPETER-FLECK, individually and on behalf of all others similarly situated,<br><br>Plaintiff,<br><br>vs.<br><br>COLLINS & AIKMAN CORPORATION, DAVID A. STOCKMAN, J. MICHAEL STEPP and BRYCE M. KOTH,<br><br>Defendants | 05 CIV. 3791 (MBM) |
| K. J. EGLESTON, individually and on behalf of all others similarly situated,<br><br>Plaintiff,<br><br>vs.<br><br>JERRY L. MOSINGO, DAVID A. STOCKMAN, J. MICHAEL STEPP and BRYCE KOTH,<br><br>Defendants                        | 05 CIV. 4950 (MBM) |
| MORRIS AKERMAN, individually and on behalf of all others similarly situated,<br><br>Plaintiff,<br><br>vs.<br><br>COLLINS & AIKMAN CORPORATION, DAVID STOCKMAN, J. MICHAEL STEPP and BRYCE KOTH,<br><br>Defendants               | 05 CIV. 5098 (MBM) |

(Additional caption on next page)

**PROPOSED ORDER FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF  
AND APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

MASSIMO GARRIDDI, individually and on behalf of  
all others similarly situated,

05 CIV. 5251 (MBM)

Plaintiff,

vs.

COLLINS & AIKMAN CORPORATION, DAVID  
STOCKMAN, J. MICHAEL STEPP and  
BRYCE KOTH,

Defendants

### **CONSOLIDATION**

1. The following Actions: 05 Civ. 3791, 05 Civ. 4950, 05 Civ. 5098, and 05 Civ. 5251 are hereby consolidated into one action (hereinafter, the “Consolidated Action”) for all purposes, pursuant to Federal Rules of Civil Procedure 42. This Order (the “Order”) shall apply as specified to the Consolidated Action and to each case that relates to the same subject matter that is subsequently filed in this Court or transferred to this Court and is consolidated with the Consolidated Action.

### **MASTER DOCKET AND MASTER FILES**

2. A Master File is hereby established for this proceeding. The Master File shall be 1:05-cv-03791. The Clerk shall file all pleadings in the Master File and note such filings on the Master Docket.

3. An original of this Order shall be filed by the Clerk in the Master File.

4. The Clerk shall mail a copy of this Order to counsel of record in the Consolidated Actions.

**CAPTION OF THE CASE**

5. Every pleading filed in the Consolidated Action shall have the following caption:

-----X  
IN RE COLLINS & AIKMAN CORPORATION :  
SECURITIES LITIGATION : 1:05-cv-03791  
-----X

**NEWLY-FILED OR TRANSFERRED ACTIONS**

6. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the Consolidated Action.

7. When a case that arises out of the same subject matter of the Consolidated Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

File a copy of this Order in the separate file for such action;

Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and

Make the appropriate entry in the Master Docket for the Consolidated Action.

8. Each new case that arises out of the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of the defendants' right to object to consolidation of any subsequently-filed or transferred related action.

**APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

9. The following plaintiff and class member, K. J. Egleston, is appointed lead plaintiff pursuant to 15 U.S.C. § 78u-4(a)(3)(B).

10. The law firm of Wolf Haldenstein Adler Freeman & Herz LLP is hereby appointed Lead Counsel.

11. With the approval of the Court, Lead Counsel shall assume and exercise the following powers and responsibilities:

To coordinate the briefing and argument of motions;

To coordinate the conduct of written discovery proceedings;

To coordinate the examination of witnesses in depositions;

To coordinate the selection of counsel to act as spokesperson at pre-trial conferences;

To call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;

To conduct all settlement negotiations with counsel for the defendants;

To coordinate and direct the preparation for trial, and the trial of this matter and to delegate work responsibilities to selected counsel as may be required;

To receive orders, notices, correspondence and telephones calls from the Court on behalf of all plaintiffs, and to transmit copies of such telephone calls to plaintiffs' counsel; and

To supervise any other matters concerning the prosecution or resolution of the Consolidated actions.

12. With respect to scheduling and/or procedural matters, defendants' counsel may rely upon all agreements with Lead Counsel.

13. No pleadings or other papers shall be filed or discovery conducted by any plaintiff except as directed or undertaken by Lead Counsel.

14. Counsel in any related action that is consolidated with the Consolidated Action shall be bound by this organizational structure of plaintiffs' counsel.

15. A consolidated and Amended Complaint shall be filed with the Court on or before January 13, 2006. Defendants shall answer or move to dismiss the Consolidated and Amended Complaint on or before March 3, 2006.

16. Plaintiff's response shall be filed on or before April 7, 2006.

17. Defendants' reply shall be filed on or before April 21, 2006.

**SERVICE OF PLEADINGS AND OTHER PARTIES**

18. Service by the defendants on plaintiffs of any papers shall be deemed to be complete for all purposes when a copy is served on Lead Counsel.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Chief Judge Michael B. Mukasey

**CERTIFICATE OF SERVICE**

I, Gustavo Bruckner, hereby certify that on November 28, 2005, I caused a true and correct copy of the *Proposed Order for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Lead Counsel*, to be served (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to all additional counsel listed below.

/S/  
Gustavo Bruckner

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